

COUNTY OF SAN LUIS OBISPO

CONSERVATION AND OPEN SPACE ELEMENT

FINAL ENVIRONMENTAL IMPACT REPORT

SCH No. 2008031091

Prepared for:

COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
COUNTY GOVERNMENT CENTER
SAN LUIS OBISPO, CA 93408
WWW.SLOCOUNTY.CA.GOV

Prepared by:



860 WALNUT STREET, SUITE B
SAN LUIS OBISPO, CA 93401-2725

JULY 2009

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1.0 INTRODUCTION

1.1 PURPOSE OF THE EIR PROCESS

This Environmental Impact Report (EIR) is an informational document prepared by the County of San Luis Obispo to evaluate the environmental impacts of the proposed Conservation and Open Space Element (COSE) Consolidation and Update of the San Luis Obispo County General Plan (proposed project). The primary objectives of the EIR process under the California Environmental Quality Act (CEQA) are to inform decision makers and the public about a project's potential significant environmental effects, identify possible ways to minimize significant effects and consider reasonable alternatives to the project. This EIR has been prepared with assistance from the County of San Luis Obispo's consultant, PMC, and reviewed by County staff for completeness and adequacy in accordance with Public Resources Code (PRC) Sections 21000-21177 and the State CEQA Guidelines.

The purpose of an EIR is to identify a project's significant effects on the environment, to identify alternatives to the project, and to indicate the manner in which those significant effects can be mitigated or avoided (PRC sec. 21002.1[a]). Comments from the public and public agencies on the environmental effects of a project must be made to lead agencies as soon as possible in the review of environmental documents, including, but not limited to, draft EIRs and negative declarations in order to allow the lead agency to identify, at the earliest possible time in the environmental review process, potential significant effects of a project, alternatives, and mitigation measures which would substantially reduce the effects. (PRC sec. 21003.1[a])

As prescribed by the State CEQA Guidelines Sections 15088 and 15132, the Lead Agency, the County of San Luis Obispo, is required to evaluate comments on environmental issues received from persons who have reviewed the Draft Environmental Impact Report (Draft EIR) and prepare written responses to these comments. This document, together with the Draft EIR (incorporated by reference in accordance with State CEQA Guidelines Section 15150) will comprise the Final Environmental Impact Report (FEIR) for this project. Pursuant to the requirements of the CEQA, the County of San Luis Obispo must certify the Final EIR as complete and adequate prior to approval of the project.

This Final EIR contains individual responses to each written and verbal comment received during the public review period for the Draft EIR. In accordance with State CEQA Guidelines Section 15088(b), the written responses describe the disposition of any significant environmental issues raised.

1.2 EIR CERTIFICATION PROCESS AND PROJECT APPROVAL

In accordance with the requirements of CEQA and the procedures of the County of San Luis Obispo, the Board of Supervisors must certify the Final EIR as complete and adequate prior to taking action on the proposed project. Once the EIR is certified and all information considered, using its independent judgment, the County can take action to go forward with the proposed project, make changes, or select an alternative to the proposed project.

1.0 INTRODUCTION

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2.0 RESPONSE TO COMMENTS

Letter 1



SAN LUIS OBISPO COUNTY DEPARTMENT OF PUBLIC WORKS

Paavo Ogren, Director

County Government Center, Room 207 • San Luis Obispo CA 93408 • (805) 781-5252

Fax (805) 781-1229

email address: pwd@co.slo.ca.us

MEMORANDUM

Date: May 15, 2009

TO: James Caruso, Senior Planner

FROM: Glenn Marshall, Development Services Engineer *GM*

SUBJECT: Public Works Comments to the 2009 Public Hearing Draft Conservation and Open Space Element (COSE) and its Draft Environmental Impact Report (dEIR)

Thank you for the opportunity to comment on the subject documents. They have been reviewed by several divisions of Public Works, and this represents our consolidated response.

COSE Implementation Strategy AQ 3.8.1, Item 3 (p 2.19):

Posting reduced speed limits is not an acceptable method for either controlling speed or reducing dust. Regulatory signage must meet MUTCD warrants and requires Board approval. Also, polymer seals and other dust control surface treatment are available (see <http://www.epa.gov/owow/nps/gravelroads/sec4.pdf>). Therefore, we recommend replacing Strategy 3) with:

"Pave, chip seal or construct other approved road surface treatment to minimize fugitive dust on County maintained dirt roads."

COSE Implementation Strategy Responsible Agencies

Page	IS	Comment
2.25	AQ 1.3.1	Add GS (Parks and Recreation) as responsible agency
2.26	AQ 1.5.4	Add PW as a responsible agency?
10.29	WR 1.6.1	Add PB?
10.31	WR 4.1.3	Add EH?

dEIR p 3.9-6:

Title correction "~~Division~~ Department of Public Works"

Please call 781-1596, or write the above address, if I may be of further assistance.

V:\DEVSERV Referrals\Referral Responses\General Plan Amendments\Conser & Open Space Element\DEIR\Response to COSE DEIR.doc

2.0 RESPONSE TO COMMENTS

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2.0 RESPONSE TO COMMENTS

RESPONSE TO LETTER #1 – SAN LUIS OBISPO COUNTY DEPARTMENT OF PUBLIC WORKS

Comment 1-1

COSE Implementation Strategy AQ 3.8.1.3

Comment points to a statement on page 2.19 of the COSE [statement is actually on page 2.16 of the COSE], Implementation Strategy AQ 3.8.1, that posting reducing speed limits is not an acceptable method for either controlling speed or reducing dust. Regulatory signage must meet MUTCD warrants and requires Board approval. Also polymer seals and other dust control surface treatments are available (see <http://epa.gov/owow/nps/gravelroads/sec4.pdf>). Therefore, the commenter recommends replacing Strategy 3 [3.8.1.3] with: "Pave, chip seal or construct other approved road surface treatment to minimize fugitive dust on County maintained dirt roads."

Response to Comment 1-1

Comment is in regards to the COSE and not the DEIR. No response required.

Comment 1-2

COSE Implementation Strategy Responsible Agencies

Comment states that additions to the responsible agencies for various Implementation Strategies should be added as follows:

<i>Page</i>	<i>IS</i>	<i>Comment</i>
2.25	AQ 1.3.1	Add GS [General Services Agency] (Parks and Recreation) as responsible agency
2.26	AQ 1.5.4	Add PW [Public Works] as a responsible agency?
10.29	WR 1.6.1	Add PB [Planning and Building]?
10.31	WR 4.1.3	Add EH [Environmental Health]?

Response to Comment 1-2

Comment is in regards to the COSE and not the DEIR. No response required.

Comment 1-3

Title Correction

Comment states the on page 3.9-6 of the DEIR, "Division of Public Works" should be "Department of Public Works."

2.0 RESPONSE TO COMMENTS

Response to Comment 1-3

Comment noted and text is amended as follows:

"~~Division~~ Department of Public Works"

2.0 RESPONSE TO COMMENTS

Letter 2



Friends of Oceano Dunes
P.O. Box 398
Oceano CA. 93445
805-788-4926
www.oceanodunes.org

May 29, 2009

James Caruso, Senior Planner
Dept of Planning and Building
County Government Center
San Luis Obispo, CA 93408
jcaruso@co.slo.ca.us

Friends of Oceano Dunes submits the following comments on the DEIR for the County's proposed COSE. The intent of the COSE is stated as follows:

OPEN SPACE RESOURCES

It is the intent of the open space goals, policies, and implementation strategies to conserve, protect, manage, and restore irreplaceable open space resources for current and future generations. This will result in scenic, recreational, health, safety, economic, and other benefits. The open space chapter addresses issues of special importance to open space and other resources, such as agriculture. The goals and policies strive to balance what, at times, may be competing interests. (COSE pg 24)

2-1

Open Space: Is "...any parcel or area of land or water which is essentially unimproved and devoted to an open space use...as designated on a local ...open space plan as any of the following:...open space for the preservation of natural resources...the managed production of resource...for outdoor recreation...for public health and safety..." (Government code 65560(B)) (COSE pg 277)

While "balance" is a stated goal, it is not a concept that the COSE actually follows through on. There is an obvious bias against OHV activities and recreation in the proposed COSE.

OHV recreation is a legitimate and legal form of recreation...however the COSE appears to oppose and discourage it.

2-2

Policy OS 2.10 Off-Highway Vehicles

Work with County departments and applicable local, state, and federal agencies to provide workable solutions to off-highway vehicle (OHV) uses. (Also refer to Policy AG 32 in the Agricultural Element.) (OSP 30)

Friends of Oceano Dunes is a 501(c)(3) California Not-for-Profit Public Benefit Corporation, comprised of over 28,000 supporting members. We represent businesses, environmentalists, equestrians, campers, fishermen, families and off-road enthusiasts who enjoy the benefits of Public Access through Responsible Recreation at the Oceano Dunes State Vehicular Recreation Area (ODSVRA). We want to maintain Access For All!

2.0 RESPONSE TO COMMENTS

Letter 2

□ *Implementation Strategy OS 2.10.1 OHV use on County lands*

Coordinate with other local, state, and federal agencies to encourage the prohibition of off-highway vehicles on public lands where the vehicles conflict with the adopted plans of those agencies or County plans and ordinances, conflict with uses of adjacent County-owned properties, result in damage to sensitive resources, or are causing trespassing and destruction on adjacent private lands. (OSP 30)

2-2
cont.

Thus, despite a stated goal of "balance" the COSE also seeks to work toward "prohibition of off-highway vehicles on public lands."

The COSE further states in Chapter 3:

This Conservation and Open Space Element is an important step towards conservation planning in San Luis Obispo County. If planning programs can be more effective on an ecosystem basis, the programs will be more effective at protecting those species already listed as rare and endangered. Programs that are more effective can also reduce the number of new species added to the rare and endangered lists.

Human activity has had major adverse effects on the health and sustainability of these natural communities. Since the mid-19th century, grazing, logging, agriculture, road building, and development have markedly altered the natural landscape. Specific programs seek preservation of special-status species, sensitive natural communities, important wildlife habitat and movement corridors, wetlands, riparian habitats, coastal dunes, and baylands.

2-3

Preservation, protection, and restoration of biological resources in San Luis Obispo County is the responsibility of both the private and public sectors. On one hand, residents, businesses, and organizations, have responsibilities to do their part to preserve and protect the county's biological resources. (Pg 64)

However, in light of all of the expensive and labor intensive conservation programs implemented by State Parks, there is no evidence that OHV activities are causing any significant harm to natural resources or sensitive species.

The proposed COSE contains a map on (page 68, section A3.7) that shows the Eastern Side of the dunes as "Estuarine_emergent_wetland"... although we are not aware of any official designation as such.

2-4

Friends of Oceano Dunes is a 501(c)(3) California Not-for-Profit Public Benefit Corporation, comprised of over 28,000 supporting members. We represent businesses, environmentalists, equestrians, campers, fishermen, families and off-road enthusiasts who enjoy the benefits of Public Access through Responsible Recreation at the Oceano Dunes State Vehicular Recreation Area (ODSVRA). We want to maintain Access For All!

Letter 2

DRAFT EIR:

The County admits that:

State Parks

Areas within the State Parks system are not subject to the policies and regulations set out by the County's General Plan. These areas include New Hearst Property, Cayucos State Beach, Estero Bluffs, Limekiln State Park, Los Osos Oaks State Reserve, Montana de Oro State Park, Morro Bay State Park, Morro Bay State Park Museum of Natural History, Morro Bay State Park Golf Course, Pismo State Beach, Oceano Dunes SVRA, San Simeon State Park, and W.R. Hearst Memorial State Beach. (106 section 3.8.2)

2-5

Friends concurs and is pleased that the County has finally begun to acknowledge its lack of jurisdiction or authority over ODSVRA.

Thank you for this opportunity to comment.

You may contact the undersigned at 408-242-4445 if you have any questions.

Sincerely,



Jim Suty
President – Friends of Oceano Dunes

Cc: FoOD BOD
Tom Roth

Friends of Oceano Dunes is a 501(c)(3) California Not-for-Profit Public Benefit Corporation, comprised of over 28,000 supporting members. We represent businesses, environmentalists, equestrians, campers, fishermen, families and off-road enthusiasts who enjoy the benefits of Public Access through Responsible Recreation at the Oceano Dunes State Vehicular Recreation Area (ODSVRA). We want to maintain Access For All!

2.0 RESPONSE TO COMMENTS

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RESPONSE TO LETTER #2 – FRIENDS OF OCEANO DUNES

Comment 2-1

OHV Recreation and Balance

Comment points to statements on pages 1.14 and 7.1 of the COSE stating that while “balance” is a stated goal, it is not a concept that the COSE actually follows through on and that there is an obvious bias against OHV activities and recreation in the proposed COSE. The comments cited in the COSE are the following:

Page 1.14: “OPEN SPACE RESOURCES *It is the intent of the open space goals, policies, and implementation strategies to conserve, protect, manage, and restore irreplaceable open space resources for current and future generations. This will result in scenic, recreational, health, safety, economic, and other benefits. The open space chapter addresses issues of special importance to open space and other resources, such as agriculture. The goals and policies strive to balance what, at times, may be competing interests.”*

Page 7.1: “Open Space *is “...any parcel or area of land or water which is essentially unimproved and devoted to an open space use...as designated on a localopen space plan as any of the following:...open space for the preservation of natural resources...the managed production of resource....for outdoor recreation...for public health and safety...” (Government code 65560(B))”*

Response to Comment 2-1

Comment is in regards to the COSE and not the DEIR. No response required.

Comment 2-2

OHV Recreation Legitimate

Comment states that OHV recreation is a legitimate and legal form of recreation and points to statements on pages 7.21 and 7.22 of the COSE that appears to oppose and discourage OHV recreation, as follows:

Page 7.21: “Policy OS 2.10 Off-Highway Vehicles. *Work with County departments and applicable local, state, and federal agencies to provide workable solutions to off-highway vehicle (OHV) uses. (Also refer to Policy AG 32 in the Agricultural Element.) (OSP 30)”*

Page 7.22: “Implementation Strategy OS 2.10.1 OHV use on County lands. *Coordinate with other local, state, and federal agencies to encourage the prohibition of off-highway vehicles on public lands where the vehicles conflict with the adopted plans of those agencies or County plans and ordinances, conflict with uses of adjacent County-owned properties, result in damage to sensitive resources, or are causing trespassing and destruction on adjacent private lands. (OSP 30)”*

2.0 RESPONSE TO COMMENTS

Response to Comment 2-2

Comment is in regards to the COSE and not the DEIR. No response required.

Comment 2-3

OHV Impacts to Biological Resources

Comment cites page 3.3, Chapter 3 of the COSE, which discusses conservation efforts of biological resources by the County. The commenter states that in light of all of the expensive and labor intensive conservation programs implemented by State Parks, there is no evidence that OHV activities are causing any significant harm to natural resources or sensitive species.

Response to Comment 2-3

Comment is in regards to the COSE and not the DEIR. No response required.

Comment 2-4

Estuarine Emergent Wetland on Eastern Side of Dunes

Comment states that the proposed COSE contains a map on (page 68, section A3.7) that shows the Eastern Side of the dunes as "Estuarine_emergent_wetland"... although [the Commenters] are not aware of any official designation as such.

Response to Comment 2-4

Comment is in regards to the COSE and not the DEIR. No response required.

Comment 2-5

ODSVRA Not Under County Jurisdiction/Authority

Comment points to a statement on page 3.8-4 of the DEIR: "Areas within the State Parks system are not subject to the policies and regulations set out by the County's General Plan. These areas include New Hearst Property, Cayucos State Beach, Estero Bluffs, Limekiln State Park, Los Osos Oaks State Reserve, Montana de Oro State Park, Morro Bay State Park, Morro Bay State Park Museum of Natural History, Morro Bay State Park Golf Course, Pismo State Beach, Oceano Dunes SVRA, San Simeon State Park, and W.R. Hearst Memorial State Beach."

Response to Comment 2-5

Comment is noted. No response required. Additionally, for clarification, it is noted that p. 3.8-4, Subsection 3.8.2 State Parks Regulations, is amended as follows:

Areas within the State Parks system are not subject to the policies and regulations set out by the County's General Plan, except that areas within the coastal zone are subject to the provisions of the Local Coastal Program.

3.0 AMENDMENTS

Minor typographical errors and corrections to the DEIR text are presented below. Additions are shown as underline and deletions are shown as ~~strike through~~.

AMENDMENTS TO THE TABLE OF CONTENTS

The following typographical errors on page iv are amended as follows:

Appendix A: Notice of Preparation~~a~~ and Responses
Figure 2-1 San Luis Obispo County ~~Plannign~~ Planning Area Map

AMENDMENTS TO SECTION S.0 EXECUTIVE SUMMARY

For clarification, p. S-1, Subsection S.2 Project Characteristics, first paragraph, is amended as follows:

The San Luis Obispo County General Plan consists of 14 elements including seven state-mandated elements: Land Use, Conservation, Noise, Circulation, Open Space, Safety and Housing and seven optional elements: Parks and Recreation, Historic and Esthetic, Offshore Energy, Economic and Agriculture. The distribution of information makes the General Plan difficult to use. In addition, several elements were adopted more than 20 years ago, which means they have not reflected current conditions, or the County's vision.

For consistency with Impact 3.6-1, presented on page 3.6-4 of the DEIR, the text on page S-5 has been revised as follows:

Impact-3.6-1 Implementation of the proposed COSE Consolidation and Update would provide greater conservation and protection of the county's important soils by requiring land use restrictions, guidelines, and discretionary project review consistent with, and more stringent than, plans programs and policies currently adopted by the County.

AMENDMENTS TO SECTION 2.0 PROJECT DESCRIPTION

The following typographical error on Figure 2-1 is amended as follows:

FIGURE 2-1 SAN LUIS OBISPO COUNTY ~~PLANNIGN~~ PLANNING AREA MAP

For clarification, p. 2.0-10, Subsection 2.7 Intended Uses of the EIR, is amended as follows:

This EIR is intended to evaluate the environmental impacts of adoption and implementation of the COSE Consolidation and Update. This EIR should be used as the primary environmental document to evaluate all subsequent actions associated with projects in the county. ~~Subsequent projects that may be associated with the project are identified in Section 2.0 (Project Description) of this document and will be evaluated at the time they are considered to determine whether they would result in impacts that fall within those disclosed in this program EIR or whether subsequent environmental review is required.~~ In addition, this EIR may be used to adopt CEQA significance thresholds.

3.0 AMENDMENTS

AMENDMENTS TO SECTION 3.0 IMPACT ANALYSIS

The following typographical error in the last paragraph on page p. 3.0-1 is amended as follows:

Each policy chapter of the COSE contains a review of the ~~existing~~ existing setting conditions and current setting in the County of San Luis Obispo. The appendices for the COSE provide additional information.

AMENDMENTS TO SECTION 3.8 LAND USE AND PLANNING

For clarification, p. 3.8-4, Subsection 3.8.2 State Parks Regulations, is amended as follows:

Areas within the State Parks system are not subject to the policies and regulations set out by the County's General Plan, except that areas within the coastal zone are subject to the provisions of the Local Coastal Program.

AMENDMENTS TO SECTION 3.9 PUBLIC SERVICES AND UTILITIES

For accuracy, the following textual amendment on page 3.9-6 is amended as follows:

~~Division~~ Department of Public Works

AMENDMENTS TO SECTION 3.10 TRAFFIC AND CIRCULATION

The following typographical error on p. 3-10.4, Subsection 3.10.3 Impacts and Mitigation Measures, second paragraph, is amended as follows:

The reader is directed to **Section 4.0** (Cumulative and Growth Inducing Impacts) of this EIR for analysis of cumulative ~~aesthetic~~ traffic and circulation impacts.

The following typographical error on p. 3-10.5, Subsection 3.10.3 Impacts and Mitigation Measures, last paragraph, is amended as follows:

Because the policies and programs of the proposed COSE will strengthen existing traffic, circulation, and alternative transportation policies and because the policies have been specifically designed to reduce ~~VTM~~ VTI, improve level of service, and increase alternative transportation use, implementation of the proposed COSE Consolidation and Update will result in a beneficial impact to traffic, circulation, and alternative transportation use.

The following typographical error on p. 4.10-12, 4.3.10 Traffic and Circulation, last paragraph, first sentence, is amended as follows:

Because the policies and programs of the proposed COSE will strengthen existing traffic, circulation and alternative transportation policies and because the policies have been specifically designed to reduce ~~VTM~~ VTI, improve level of service, and increase alternative transportation use, implementation of the proposed COSE Consolidation and Update will result in a beneficial impact to traffic, circulation and alternative transportation use in the unincorporated county.

As a point of expansion on the discussion regarding traffic impacts, page 3.10-5, Chapter 3.10 Traffic and Circulation, is amended to provide the below additional measure.

Policy AQ 1.1 and associated implementation strategies would encourage compact land development by concentrating new growth within existing communities and ensuring complete services to meet local needs; in particular, strategy "AQ 1.1.1c" would direct most new residential development away from rural areas and concentrate it in higher density residential areas located near major transportation corridors and transit routes, where resources and services are available.

Citation of this additional measure does not affect the analysis or conclusion of the DEIR.

AMENDMENTS TO SECTION 7.0 REPORT PREPARERS AND REFERENCES

The following typographical error, page p. 7.0-1, 3rd reference, is amended as follows:

Baldwin, Mary A. 1971. Archaeological Evidence of Cultural Continuity from Chumash to Salinan Indians of California. ~~Occasional Pappers~~ Occasional Papers of the San Luis Obispo County Archaeological Society, No.6.

3.0 AMENDMENTS

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